

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GENERAL PARTS, INC.,)	
)	
Plaintiff,)	8:09CV127
)	
vs.)	ORDER
)	
GLENN A. CHRISTENSEN d/b/a)	
BURT COUNTY AUTO PARTS,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion to Vacate Default Judgement ([Filing No. 12](#)). In the motion, the defendant requests additional time to seek legal counsel and respond to the plaintiff's complaint.

The plaintiff filed the instant action on April 8, 2009. **See** Filing No. 1 - [Complaint](#). The plaintiff filed evidence the defendant was served on April 13, 2009. **See** [Filing No. 7](#). Because no answer was timely filed, the plaintiff filed a motion for Clerk's Entry of Default on May 6, 2009. **See** [Filing No. 9](#). On May 7, 2009, the Clerk of Court entered default pursuant to [Fed. R. Civ. P. 55\(a\)](#). **See** [Filing No. 11](#). No judgment has yet been entered against the defendant.

On May 13, 2009, the defendant filed the instant motion. However, the defendant asserts his failure to file an answer to the plaintiff's complaint was not deliberate or willful. Prior to ruling on the defendant's motion to set aside the entry of default, the court will give the defendant an opportunity to obtain counsel. Accordingly,

IT IS ORDERED:

1. The defendant's Motion to Vacate Default Judgement ([Filing No. 12](#)) is held in abeyance until June 12, 2009.
2. The defendant shall have to **on or before June 12, 2009**, to have licensed counsel enter an appearance on his behalf.

3. The plaintiff's deadline to respond to the defendant's Motion to Vacate Default Judgement ([Filing No. 12](#)) will be set by the court upon resolution of the issue of the defendant's representation.

4. The Clerk of Court shall mail a copy of this order to the defendant at:

Glenn A. Christensen
1021 South 13th Street
PO Box 82
Tekamah, NE 68061

DATED this 14th day of May, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge